

# List of Brownfield Shoreland Zoning Changes

(State Mandated)

Changes: **Red – Additions to document**

Language taken out of document – ~~stricken through~~

## 4. Effective Date

**~~B. Repeal of Municipal Timber Harvesting Regulation.~~** ~~The municipal regulation of timber harvesting activities is repealed on the statutory date established under 38 M.R.S.A. section 438-~~

~~A (5), at which time the State of Maine Department of Conservation's Bureau of Forestry shall administer timber harvesting standards in the shoreland zone. On the date established under 38~~

~~M.R.S.A section 438-A (5), the following provisions of this Ordinance are repealed:~~

- ~~• Section 14. Table of Land Uses, Column 3 (Forest management activities except for timber harvesting) and Column 4 (Timber harvesting);~~
- ~~• Section 15(O) in its entirety; and~~
- ~~• Section 17. Definitions, the definitions of "forest management activities" and "residual basal area".~~

**B. The Director of the Division of Forestry within the Department of Agriculture, Conservation and Forestry shall be responsible for enforcing applicable state timber harvesting regulations pursuant to 38 M.R.S.A. §438-B (2).**

## 13. Establishment of Districts

**A. Resource Protection District.** The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed and areas which meet the criteria for the Limited Commercial or General Development I Districts need not be included within the

Resource Protection District.

- (1) Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with great ponds and rivers, which are rated "~~moderate~~" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by ~~either MDIF&W, or the Department as of~~ May 1, 2006. For the purposes of this paragraph "wetlands associated with great ponds and rivers" shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river.

- **Areas within 150 feet, horizontal distance, of the upland edge of freshwater wetlands rated "Moderate" value waterfowl and wading bird habitat as shown on the latest version of the Maine Department of Inland Fisheries and Wildlife (MDIF&W) Geographic Informational System (GIS) data layer.**

**B. Limited Residential District.** The Limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, or Stream Protection District, and areas which are used less intensively than those in the Limited Commercial District or the General Development Districts.

**1. "Areas that are within 250 feet, and greater than 150 feet, horizontal distance, of the upland edge of freshwater wetlands rated "Moderate" value waterfowl and wading bird habitat as shown on the latest version of the Maine Department of Inland Fisheries & Wildlife Geographic Informational System (GIS) data layer.**

## Definitions

**Skid trail** — a route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

**Slash** — the residue, e.g., treetops and branches, left on the ground after a timber harvest.